

## Virginia Board of Optometry

### Guidance for Continuing Education (CE) Audits and Sanctioning for Failure to Complete CE

#### Applicable Law, Regulation and Guidance

[Code of Virginia: § 54.1-3219](#)

[Regulations of the Board of Optometry: 18VAC105-20-70](#)

#### Guidance

##### **CE Extension or Waiver Requests**

CE extensions or waivers must be received by the Board prior to December 31 of each year. Licensees who have not completed the CE requirements and submit a request on or after December 31 may be subject to disciplinary action.

##### **CE Waiver for Long-standing Illness**

The Board may grant a long-term CE waiver on a case by case basis to licensees who have a verified long-standing illness and are not actively practicing. Long-term CE waiver requests must be accompanied by documentation of the illness. A licensee who has been granted a waiver for a long-standing illness must notify the Board if he resumes practice in which case the waiver may be reconsidered or withdrawn.

##### **CE Audit Procedures**

- After each renewal cycle, the Board may audit the following licensees for compliance with CE requirements:
  - Licensees who fail to respond or respond “no” to the CE renewal question on the annual license renewal form; and
  - Licensees selected for random audit using a statistically valid audit sample and a method that ensures randomness of those selected.
- For those selected for the audit:
  - Board staff will first query the Association of Regulatory Boards of Optometry’s CE tracking database, OE Tracker, to determine if the licensee maintains an account.
  - OE Tracker accounts will be reviewed to determine if the CE requirements have been met.
    - If all CE requirements have been met, the licensee will be notified that he was audited and no further action on his part is required; or
    - If partial or no CE requirements have been met or the licensee does not have an OE Tracker account, the licensee will be notified that he is being audited and to submit the necessary documentation to verify CE completion.
  - Documentation submitted to verify CE completion will be reviewed for compliance with the regulations.
  - Licensees who have not completed the required CE will be referred for possible disciplinary action.

**Disciplinary Action for Non-Compliance with CE Requirements**

The Board adopted the following guidelines for resolution of cases of non-compliance with CE requirements:

Cause	Possible Action
First offense; short 1 – 4 hours	Confidential Consent Agreement; 45 days to make up missing hours
First offense; short 5 – 16 hours	Consent Order; Monetary Penalty of \$500; 45 days to make up missing hours
Second offense; short 1 – 16 hours	Consent Order; Reprimand; Monetary Penalty of \$250 <b>per missing hour</b> ; 45 days to make up missing hours
No response to audit notifications or three or more offenses	Informal Fact-Finding Conference

Note: The Board may offer a pre-hearing consent order or hold an informal fact finding conference when probable cause is found that a licensee has falsely certified completion of the required CE for renewal of his license.